

REMARKS/ARGUMENTS

Applicant has received the Office Action dated November 19, 2007, in which the Examiner: 1) objected to the Specification; 2) rejected claims 1-16 and 18-27 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Parks (U.S. Pat. No. 5,877,746) in view of Krexner (U.S. Pat. No. 6,005,924); and 3) rejected claims 17 and 28 as being allegedly unpatentable over Parks in view of Krexner and further in view of Eveland (U.S. Pub. No. 2004/0169888). With this Response, Applicant amends the specification and traverses the claim rejections.

I. OBJECTION TO THE SPECIFICATION

The cross-reference to related applications has been updated with their serial numbers.

II. REJECTION OF CLAIMS 1-16 AND 18-27

Claim 1 requires “monitoring...said incoming phone call for a facsimile tone while playing said outgoing message.” Thus, per claim 1 at least two things are happening at the same time. An outgoing message is being played and, while that message is being played, the phone call is monitored for a facsimile tone. Parks has no such teaching.

Parks discloses a user interface for configuring an all-in-one device (copying, faxing, voice messaging, etc.). Applicant does find any teaching in Parks of whether the Parks all-in-one device can distinguish an incoming phone call as being a voice call versus an incoming fax. Parks teaches that the answering machine capability can be configured to answer a phone call after a specified number of rings (4 rings in the example of Fig. 8). Parks, however does not teach concurrently monitoring the line for a fax tone while playing an outgoing message. Krexner also lacks this limitation.

Claim 1 also requires “ceasing playing of said outgoing message...in response to said facsimile tone and initializing said multi-function printer device to receive an incoming facsimile transmission.” The Examiner acknowledged that this limitation is not disclosed in Parks. Office Action p. 4. The Examiner turned instead to Krexner.

Krexner discloses a fax, answering machine, combination device. As explained in the Abstract. The Krexner device receives a call signal that precedes a fax signal. In response to receiving the call signal, the device generates an internal ringing signal (not heard by a human) intended for the device's internal phone. A pulse in the call signal causes the device to transition to a simulated receiving mode in which a fax signal detector determines whether a fax signal is present. If a fax signal is present, then the fax signal is routed to the fax capability. If a fax signal is not present, then the device generates a second ringing signal which is routed to an external phone so that a human can hear the ring. Krexner, however, does not teach ceasing playing of an outgoing message to initialize the device to receive an incoming fax transmission as is required by claim 1.

At least for these reasons, claim 1 and its dependent claims are allowable over Parks in view of Krexner.

Claim 2 depends from claim 1 and requires "continuing to monitor said incoming call...for a facsimile tone, after said outgoing message completes." Parks has no such teaching. Parks discloses a user interface that permits a user to program the device, and does not disclose that the device continues to monitor an incoming call for a fax tone **after** an outgoing message completes. The Examiner referred to some text in col. 18, but such text does not disclose this limitation. For this additional reason, claim 2 is allowable.

Claim 10 requires "means for monitoring said incoming phone calls, **while** said means for playing plays said outgoing message, for a facsimile tone." As explained above, neither Parks nor Krexner teaches this limitation. For at least this reason, claim 10 and its dependent claims are in condition for allowance over Parks in view of Krexner.

Claim 11 depends from claim 10 and requires "means for continuing to monitor said incoming call for a facsimile tone during playback of said outgoing message." Parks has no such teaching. Parks discloses a user interface that permits a user to program the device, and does not disclose that the device continues to monitor an incoming call for a fax tone **during playback** of an

outgoing message. The Examiner referred to some text in col. 18, but such text does not disclose this limitation. For this additional reason, claim 11 is allowable.

Claim 12 depends on claim 10 and is separately allowable for much the same reason provided above regarding claim 2.

Claim 20 requires that the “multi-function printer device monitors incoming phone calls to internally intercept and initialize said facsimile functionality to receive incoming facsimile transmissions while said call answering functionality is processing a call.” Neither Parks nor Krexner discloses this limitation as explained above. For at least this reason, claim 20 and its dependent claims are allowable.

III. REJECTION OF CLAIMS 17 AND 28

Claims 17 and 28 depend from claims 10 and 20, respectively, which are allowable over Parks in view of Krexner as explained above. Eveland does not satisfy the deficiencies of Parks/Krexner and thus claims 17 and 28 are in condition for allowance for at least much the same reason as their base claims.

IV. CONCLUSION

In the course of the foregoing discussions, Applicant may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

Applicant respectfully requests reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including

Appl. No. 10/750,717
Amdt. dated February 18, 2008
Reply to Office Action of November 19, 2007

fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,

/Jonathan M. Harris/

Jonathan M. Harris
PTO Reg. No. 44,144
CONLEY ROSE, P.C.
(713) 238-8000 (Phone)
(713) 238-8008 (Fax)
ATTORNEY FOR APPLICANT

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
Legal Dept., M/S 35
P.O. Box 272400
Fort Collins, CO 80527-2400